

Rebecca Payne

From: Simon Davis
Sent: 09 October 2019 11:12
To: Planning Scanning
Subject: FW: Planning Applications Y/1/17/OUT & Y/63/19/RES - drainage issue

Please upload to Y/63/19/RES as a confidential item, labelled as "Legal Advice on Drainage Objection"

From: Jeremy Cook <Jeremy.Cook@arun.gov.uk>
Sent: 08 October 2019 11:51
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: Planning Applications Y/1/17/OUT & Y/63/19/RES - drainage issue

Dear Simon

Thank you for your email of 4th October.

The outline permission (Y/1/17/OUT) granted planning permission subject to conditions, which included Conditions 12 to 15 which relate to surface water drainage and place a requirement on the applicant to provide and obtain approval for the surface water drainage disposal system prior or commencement of development.

There is also as condition (Condition 4) which requires that the development shall be "substantially in accordance with drawing number SK05 Rev B" which indicates the layout.

I am not aware of any case law that allows the Council to decide at Reserved Matters Stage that the condition should be unilaterally varied by requiring that the winter groundwater tests are to be carried out prior to the RMA.

In the circumstances it would not be appropriate for the Council to refuse the RMA on the basis that the tests have not been carried out prior to the RMA.

Regards

Jeremy Cook
Barrister
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